

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORDCON INVESTMENT MANAGEMENT, AG,

Plaintiff,

Case No. 08-CV-0024

-against-

VIVENDI, S.A., et al.,

Defendant(s).

AFFIDAVIT OF SERVICE

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STATE OF NEW YORK)

s.s. :

COUNTY OF NEW YORK)

JASON AGEE, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.


That on the 10th day of January, 2008, at approximately 1:08 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION; JUDGE'S RULES; ECF FILING INSTRUCTIONS and COMPLAINT** upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York 10020 by personally delivering and leaving the same with Franca Efangon, Assistant to Jean-Marie Messier, and a person of suitable age and discretion at the actual place of business of the defendant.

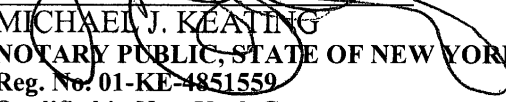
Franca Efangon is a black female, approximately 35 years of age, is approximately 5 feet and 8 inches tall, weighs approximately 130 pounds, with long black hair and dark eyes.

That on the 10th day of January, 2008 deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

**Jean-Marie Messier
c/o Messier Partners, LLC
One Rockefeller Plaza, Suite 1502
New York, New York 10020**

Sworn to before me this
10th day of January, 2008


JASON AGEE #1196790


MICHAEL J. KEATING
NOTARY PUBLIC, STATE OF NEW YORK
Reg. No. 01-KE-4851559
Qualified in New York County
Commission expires February 3, 2010

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

NORDCON INVESTMENT MANAGEMENT AG

SUMMONS IN A CIVIL ACTION

V.

VIVENDI, S.A., JEAN-MARIE MESSIER
and GUILLAUME HANNEZO

CASE NUMBER:

08 CV 0024

TO: (Name and address of Defendant)

Jean-Marie Messier
c/o Messier Partners, LLC
One Rockefeller Plaza
Suite 1502
New York, NY 10020

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stuart M. Grant
James J. Sabella
GRANT & EISENHOFER P.A.
485 Lexington Avenue
29th Floor
New York, NY 10017
Tel: (646) 722-8500

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JAN 03 2007

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK